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SECRETARIAT OF THE GOVERNOR GENERAL
(REFORMS)

NOTIFICATIONS

New Delhi, the 11th August 1947

No. G.G.O. 2.—The following Order made by the Governor-General is published for general information:—

THE JOINT DEFENCE COUNCIL ORDER, 1947.

In exercise of the powers conferred by sub-section (1) of section 9 of the Indian Independence Act, 1947, and in pursuance of sub-section (1) of section 11 thereof, the Governor-General is pleased to make the following Order:—

1. (1) This Order may be cited as the Joint Defence Council Order, 1947.

(2) It shall come into force at once.

(3) It shall cease to have effect on the first day of April, 1948:

Provided that the Governor-General of India and the Governor-General of Pakistan, acting jointly, may direct that this Order shall remain in force for such further period as may be specified in the direction.

2 (1) The Interpretation Act, 1889, shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

(2) In this Order,—

“Indian forces” has the same meaning as in the Indian Independence Act, 1947;

“Dominion forces” means the armed forces of the Dominion of India or of Pakistan.

3. (1) As from the 15th day of August, 1947, there shall be set up a Council to be known as the Joint Defence Council for India and Pakistan.

(2) The said Council, hereinafter referred to as the Joint Defence Council, shall consist of—

(i) the Governor-General of India,

(ii) the Defence Minister of India,

(iii) the Defence Minister of Pakistan, and

(iv) the Supreme Commander of His Majesty's Forces in India and Pakistan (hereinafter referred to as the Supreme Commander).

4. The Governor-General of India shall be the independent Chairman of the Joint Defence Council.

5. The person who at the date of the commencement of this Order is the Commander-in-Chief of His Majesty's Forces in India shall be the Supreme Commander.

6. (1) If a Defence Minister is for any reason unable to attend any meeting of the Joint Defence Council, he shall be entitled to depute another Minister or the High Commissioner for the Dominion concerned to attend the meeting in his place, and such other Minister or High Commissioner shall have for the purposes of that meeting all the powers of the Defence Minister.

(2) If the Supreme Commander is for any reason unable to attend any meeting of the Joint Defence Council, he shall be entitled to depute a member of his “Chiefs of Staff” committee to attend the meeting in his place, and such member shall have for the purposes of that meeting all the powers of the Supreme Commander.

7. At any meeting of the Joint Defence Council,—

(a) a Defence Minister may be accompanied by another Minister;

(b) a Defence Minister or the Supreme Commander may call in to assist him at the meeting in an advisory capacity one or more experts.

8. The Joint Defence Council shall be in exclusive control of—

(a) the division of the Indian forces between the Dominions and their reconstitution as two separate Dominion forces;

(b) the allocation, transfer and movement of officers and men belonging to the Indian forces for the purposes of such reconstitution;

(c) the allocation, transfer and movement for the purposes of such reconstitution of plant, machinery, equipment and stores held by the Governor-General in Council immediately before the 15th day of August, 1947, for the purposes of the Indian forces;

(d) such naval, military and air force establishments as the Joint Defence Council may specify, for such temporary period as that Council may consider necessary or expedient;

(e) the general administration of naval, military and air force law, and the maintenance of discipline, in the armed forces of each of the two Dominions;

(f) the general arrangements for the payment, food, clothing, medical attendance and equipment of the armed forces of each of the two Dominions;

(g) any armed force which may be operating, or may hereafter be sent to operate, under joint command in such areas near the boundaries between the two Dominions as are for the time being declared by or under a Provincial law to be disturbed areas;

(h) any Indian forces which are for the time being overseas.

Provided that the control of the Joint Defence Council shall not extend,—

(i) except in relation to the forces mentioned in paragraphs (g) and (h) of this Article, to the disposition and operational control within the Dominion, and the local administration, of the armed forces of either Dominion, or

(ii) to the selection and recruitment of officers and men for the armed forces of either Dominion and their training, when such training takes place elsewhere than in a training establishment specified by the Joint Defence Council under paragraph (d) of this Article;

Provided further that the Joint Defence Council shall cause such measures to be taken as will enable them gradually to withdraw their control in respect of all or any of the matters mentioned in paragraphs (d), (e) and (f) of this Article with a view to the cessation of control as early as may be practicable and in any event before the 1st day of April 1948.

9. The executive authority of each of the two dominions shall be so exercised as to give full effect to any orders or directions that may be made or given by the Joint Defence

Council in the exercise of the powers conferred on them by this Order.

10. The Supreme Commander shall be responsible for giving effect to the decisions of the Joint Defence Council and shall act in conformity with such directions as may be given to him in that behalf by the Joint Defence Council.

11. The posting and promotion of any officer of His Majesty's forces who is not a member of, but is attached to or serving with, any of the Dominion forces, shall be made only in consultation with the Supreme Commander.

12. Where by virtue of the provisions of this Order any members of the Indian Forces are for the time being subject to the command or control of the Supreme Commander, the Supreme Commander shall exercise—

(a) in the case of such members as are subject to the Indian Army Act, 1911, the powers of the Commander-in-Chief under that Act; and

(b) in the case of such members as are subject to the Indian Air Force Act, 1932, the powers of the Air Officer Commanding-in-Chief under that Act;

and when any such powers are so exercised by the Supreme Commander, the powers of the Central Government under the Indian Army Act, 1911, or as the case may be,

the Indian Air Force Act, 1932, shall be exercisable by the Joint Defence Council.

13. There shall be two Joint Secretaries of the Joint Defence Council nominated, respectively, by the Governor-General of India and the Governor-General of Pakistan, and such other secretarial staff as may be appointed by or under the authority of the Joint Defence Council.

14. There shall be set up by order of the Joint Defence Council a financial and accounting organisation charged with the duty of scrutinising and advising on proposals involving expenditure, giving financial sanction thereto and accounting for all the expenses referred to in the next succeeding Article.

15. All expenses incurred by or under authority derived from the Joint Defence Council or the Supreme Commander for carrying into effect the purposes of this Order shall be borne by the Dominions of India and Pakistan in such proportion as may be determined by the Joint Defence Council.

MOUNTBATTEN OF BURMA.

Governor-General.

K. V. K. SUNDARAM.

Officer on Special Duty

FINANCE DEPARTMENT (REVENUE DIVISION) (INDIA).

NOTIFICATIONS

CENTRAL EXCISES

New Delhi, the 11th August 1947

No. 21.—In exercise of the powers conferred by section 37 of the Central Excises and Salt Act, 1944 (1 of 1944), the Central Government is pleased to direct that with effect from the 11th August 1947, the following further amendments shall be made in the Central Excise Rules, 1944, namely:—

In the said Rules in clause (ii) of rule 2—

a) for sub-clauses (d), (e), (f), and (g), the following sub-clauses shall be substituted, namely:—

(d) in the provinces of Bihar and Orissa and the following districts of Bengal, namely, Chittagong Hill Tracts, 24-Parganas, Calcutta, Khulna, Jalpaiguri, Darjeeling, Burdwan, Birbhum, Bankura, Midnapur, Hooghly and Howrah, the Collector of Central Excise, Calcutta;

(e) in the districts of Bengal not specified in sub-clause (d), and the districts of Sylhet in the province of Assam, the Collector of Central Excise, Chittagong;

(f) in the United Provinces, Delhi, Ajmer-Merwara and the following districts of Punjab, namely, Amritsar, Kangra, Hoshiarpur, Jullundur, Ambala, Rohtak, Hissar, Gurgaon, Simla, Ferozpur, Karnal and Ludhiana, the Collector of Central Excise, Allahabad;

(g) in the North-West Frontier Province and the districts of the Punjab not specified in sub-clause (f), the Collector of Central Excise, Lahore;

(h) in the province of Assam other than the district of Sylhet, the Collector of Central Excise, Shillong.

W. A. ROSE, Under Secy.

INCOME-TAX ESTABLISHMENTS

New Delhi, the 8th August 1947

No. 64.—In exercise of the powers conferred by sub-section (2) of section 5 of the Indian Income-tax Act, 1922 (XI of 1922), the Central Government has been pleased to appoint Mr. N. Dandekar, I.C.S., officiating Commissioner of Income-tax, Calcutta, and the 24-Parganas and Howrah District, to officiate as Commissioner of Income-tax for Bengal with effect from the 30th July 1947.

G. SWAMINATHAN, Dy. Secy.

INCOME-TAX ESTABLISHMENTS

New Delhi, the 11th August 1947

No. 65.—In exercise of the powers conferred by sub-section (2) of section 5 of the Indian Income-tax Act, 1922 (XI of 1922), and in modification of this Department notifications No. 19, dated the 30th April 1946, and No. 64, dated the 8th August 1947, the Central Government has been pleased to appoint Mr. M. Ahmad, Assistant Commissioner of Income-tax, to officiate as Commissioner of Income-tax for Sylhet and the following Districts of Bengal, viz., Chittagong, Noakhali, Tippera, Bakerganj, Dacca, Faridpur, Mymensingh, Murshidabad, Nadia, Jessore, Bogra, Rangpur, Dinajpur, Malda, Pabna and Rajshahi.

Mr. N. Dandekar, I.C.S., will continue to officiate as Commissioner of Income-tax for the remaining Districts of Bengal and Rai Bahadur G. D. Bagri for the remaining Districts of Assam.

T. S. RAMASWAMI, Under Secy.

FINANCE DEPARTMENT (REVENUE DIVISION) (PAKISTAN).

NOTIFICATIONS

CENTRAL EXCISES ESTABLISHMENTS

New Delhi, the 11th August 1947

Mr. M. Aslam, Collector of Central Excise, Delhi is appointed officer on special duty under the Finance Department Revenue Division (Pakistan) with headquarters at Lahore.

Khan Sahib Abdul Hamid officiating Deputy Collector of Central Excise, Delhi, is appointed to officiate as Collector of Central Excise, Lahore.

On return from leave, Mr. A. E. Wright, O.B.E., Collector of Central Excise, Calcutta, is appointed Collector of Central Excise, Chittagong, with effect from the 11th August 1947.

A. A. BURNEY, Dy. Secy.